

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
)
DIRECT FREIGHT SERVICE HAWAII, INC.)
)
Notice of Failure to Comply)
With Hawaii Revised Statutes)
and Commission's Regulations;)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

DOCKET NO. 2009-0208

NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

FILED
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PUBLIC UTILITIES
COMMISSION

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NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

DIRECT FREIGHT SERVICE HAWAII, INC. ("Respondent") is the holder of certificate of public convenience and necessity number 5193-C ("Certificate"), issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

HRS § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a) require Respondent to file an annual financial report ("AFR"). HRS § 271-36 and HAR § 6-62-24(a) require Respondent to pay an annual motor carrier gross revenue fee ("Fee"). Respondent failed to file an AFR and pay the Fee for 2008.

Hawaii Administrative Rules ("HAR") §§ 6-62-42(a) and 6-62-24(a) require Respondent to file an AFR and pay a Fee by April 30 of each year for the preceding year. Respondent filed its AFR and paid its Fee for the year 2007 on October 29, 2008. HRS § 271-27(i), and HAR §§ 6-62-24(b)(c) and 6-62-42(d) provide that the commission may assess penalties and interest for the

late filing of AFRs and Fees. As Respondent did not file its AFR and Fee in a timely fashion, i.e., by April 30, 2008, the commission assessed Respondent penalties and interest in the amount of \$2,519.71. Despite notice from the commission of its nonpayment, Respondent has failed to pay the penalties and interest assessed.

HRS § 271-19 authorizes the commission, after notice and hearing, to suspend or revoke any Certificate, in part or in whole, if the commission finds that the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's Certificate for failure to comply with the legal requirements set forth above, unless Respondent is able to show cause why such suspension or revocation should not occur.

THE COMMISSION ORDERS:

1. Respondent shall appear at 465 South King Street, Room B-3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 18, 2009, to show cause why Respondent's Certificate should not be suspended or revoked for failure to comply with the legal requirements set forth in this order.

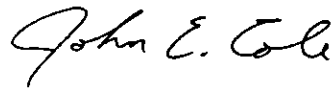
2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

3. If Respondent fails to appear at the scheduled hearing, Respondent's Certificate shall be suspended or revoked.

DONE at Honolulu, Hawaii OCT 15 2009.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2009-0208.laa

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

DIRECT FREIGHT SERVICE HAWAII, INC.
P. O. Box 1005
Pepeekeo, HI 96783

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